

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

60726

FILE: B-185175

DATE: April 7, 1976

MATTER OF: Unitron Engineering Co.

99096

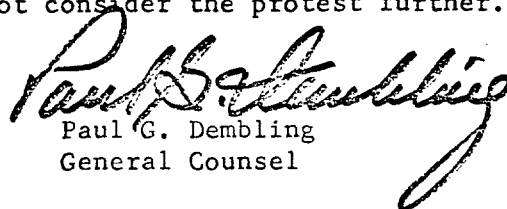
## DIGEST:

Protest alleging that low bidder did not establish that it had equipment essential to performance of contract as required of protester and that preaward survey of low bidder was inadequate is not for consideration since GAO does not review protests involving affirmative determinations of responsibility, except where fraud is alleged or where definitive responsibility criteria allegedly have not been applied.

Unitron Engineering Company has protested the award of a contract to Rust Manufacturing, Inc., under IFB DSA400-76-B-1482, issued by the Defense General Supply Center, Richmond, Virginia. The basis of Unitron's protest is that Rust has failed to establish that it has equipment essential for contract performance as was required of Unitron and that the preaward survey performed on Rust was inadequate. Basically, Unitron questions the propriety of the contracting officer's determination that Rust was a responsible prospective contractor.

This Office has discontinued its review of protests involving affirmative determination of responsibility unless fraud is alleged on the part of the procuring officials or the solicitation contained definitive responsibility criteria which allegedly have not been applied. See Central Metal Products, 54 Comp. Gen. 66 (1974), 74-2 CPD 64; Eastern Home Builders and Developers, Inc., B-182218, November 29, 1974, 74-2 CPD 302; Sanders Associates, Inc., B-183019, January 27, 1975, 75-1 CPD 55. Although we will consider protests involving determinations of nonresponsibility to provide assurance against the arbitrary rejection of bids, affirmative determinations are based in large measure on subjective judgments which are largely within the discretion of procuring officials who must suffer any difficulties experienced by reason of a contractor's inability to perform.

Accordingly, we will not consider the protest further.

  
Paul G. Dembling  
General Counsel